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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/799,809	03/12/2004	Jonathan Gray	0512AN.000002	8375

7590 12/14/2005

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EXAMINER
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THOMPSON, HUGH B

ART UNIT	PAPER NUMBER
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3634

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/799,809

Applicant(s)

GRAY ET AL.

Examiner

Hugh B. Thompson II

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date: _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date: _____  | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. With respect to claim 1, the applicant fails to provide any structural relationships between the frames. Note also that the stabilization frame is only connected to the back frame and that the back and front frames are not connected in any way.

Further, though not an ambiguity per se, when the applicant claims front and back frame of different lengths in claim 6, claim 1 does not orient what is “front” or what is “back”. The same can be said of claims 4 and 5 with respect to the location of the steps.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 4-6 and 10 are rejected under 35 U.S.C. 102(b) as being anticipated by Seidner #2,207,445. Seidner discloses a ladder and platform assembly comprised of front/back frame 15, 16, back/front frame 2, 35, which shorter than 15, 16, L-shaped metal plate steps 17,

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23, pivoting chair frame 30, 31, 80, frame pivot connections 28, 38, pivoting stabilization bars 4, 43, and pivoting armrests 81.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seidner as applied to claims 1, 2, 4-6 and 10 above, and further in view of Hultquist #3,022,524. Seidner fails to disclose a floatation device attached to the chair. Hultquist teaches the utility of a floatation device 10, 14, secured to a chair frame assembly 20, 22, 28. An assembly such as this, provides a life preserver for a user when so needed. Therefore to one of ordinary skill in the art, it would have been obvious to provide the assembly of Seidner with a floatation device as taught by Hultquist, so as to provide a means for water safety when needed.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seidner as applied to claims 1, 2, 4-6 and 10 above, and further in view of Larson #3,151,910. Seidner fails to disclose a fishing pole holder. Larson teaches the utility of a fishing pole holder 31 secured to a chair assembly, allowing for storage of a fishing pole when so used. Therefore to one of ordinary skill in the art, it would have been obvious to provide the assembly of Seidner with a fishing pole holder as taught by Larson so as to allow for storage of a fishing pole when so needed.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Seidner as applied to claims 1, 2, 4-6 and 10 above, and further in view of Stanley #5,881,839. Seidner fails to

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disclose a chair secured to the frame. Stanley teaches the utility of a chair 73 secured to a platform 4 of a chair/ladder/platform assembly 2-4 that allows for a user to sit thereon when so needed. Therefore to one of ordinary skill in the art, it would have been obvious to provide the assembly of Seidner with a chair as taught by Stanley, so as to allow for a user to sit thereon when so needed.

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Vadner #3,357,741, Woolfolk, Sr. #3,967,694, Heberlein #5,582,268, and Lopacli #6,637,549 are cited to teach ladder and platform assemblies.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hugh B. Thompson II whose telephone number is (571) 272-6837. The examiner can normally be reached on Monday thru Friday 9 am to 5:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (571) 272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Hugh B. Thompson II  
Primary Examiner  
Art Unit 3634

December 9, 2005